

WEDNESDAY, APRIL 5, 1995

**TWENTY-NINTH LEGISLATIVE DAY**

The House met at 2:00 p.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Reverend Don Houston, Liberty Baptist Church, Union City, Tennessee.

Representative Pinion led the House in the Pledge of Allegiance to the Flag.

**ROLL CALL**

The roll call was taken with the following results:

Present ..... 98

Representatives present were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kieber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

**PRESENT IN CHAMBER**

Representative(s) Robinson was/were recorded as being present in the Chamber.

**SPONSORS ADDED**

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

**House Bill No. 89:** Rep(s). Walley, Brooks, Ritchie, Bragg, Cross, Winningham, Kent, Cole(Carter), Curtiss, Fowlkes, Eckles, Odom, Callicott, Joyce, Givens, Jackson, Wood, Stulce, Boyer, Duer, McAfee and Williams (Union) as prime sponsor(s).

**House Bill No. 90:** Rep(s). Bragg, Cross, Winningham, Cole(Carter), Kent, Callicott, Odom, Curtiss, Fowlkes, Eckles, Walley, Stulce, Duer, McAfee, Boyer, Williams (Union), Wood, Jackson, Brooks, Armstrong, Ritchie and Patton , as prime sponsor(s).

House Bill No. 599: Rep(s). Armstrong, Ritchie and Tindell as prime sponsor(s).

**SPONSORS REMOVED**

On motion, Rep(s). White was/were removed as sponsor(s) of House Bill No. 1354.

**MESSAGE FROM THE SENATE**

**April 4, 1995**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 1340; passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**\*Senate Bill No. 1340** -- education -- Repeals parental notification; revives and reenacts parental consent to perform abortion on minor. Amends TCA 37-10-303; 39-15-202. by \*Burks, \*Fowler, \*Rice, \*Miller J, \*Leatherwood, \*Holcomb, \*Henry, \*Person.

**MESSAGE FROM THE SENATE**

**April 4, 1995**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 100, 108, 130, 139, 140, 141, 143, 144, 145 and 146; all adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**\*Senate Joint Resolution No. 100** -- Highway Signs -- "Purple Heart Parkway," S.R. 374, Clarksville. by \*Rice.

**\*Senate Joint Resolution No. 108** -- General Assembly, Directed Studies -- Requests DOT to conduct traffic study on segment of S.R. 126 in Indian Springs community of Sullivan County presently being commercially developed. by \*Holcomb.

**Senate Joint Resolution No. 130** -- Memorials, Sports -- Ronnie McMahan, Vanderbilt University basketball player. by \*Jordan, \*Harper, \*Elsea, \*Crutchfield, \*Cohen, \*Cooper, \*Haynes, \*Henry, \*Wright, \*Person, \*Miller J, \*Rice, \*Springer, \*Carter, \*Fowler, \*McNally, \*Holcomb, \*Rochelle, \*Atchley, \*Kyle, \*Womack, \*Dixon, \*Crowe, \*Wallace, \*O'Brien.

**Senate Joint Resolution No. 139** -- Memorials, Professional Achievement -- "Teachers of the Year," Rutherford County. by \*Womack.

**Senate Joint Resolution No. 140** -- Memorials, Personal Achievement -- Tracy Williams, 1994 Miss Black Tennessee. by \*Dixon, \*Harper, \*Ford J, \*Kyle.

**Senate Joint Resolution No. 141** -- Memorials, Retirement -- L. Hadley Williams, Jr. by \*Wilder, \*Atchley, \*Burks, \*Carter, \*Cohen, \*Cooper, \*Crowe, \*Crutchfield, \*Dixon, \*Elsea, \*Ford J, \*Fowler, \*Gilbert, \*Hamilton, \*Harper, \*Haun, \*Haynes, \*Henry, \*Holcomb, \*Jordan, \*Koeila, \*Kyle, \*Leatherwood, \*McNally, \*Miller J, \*O'Brien, \*Person, \*Rice, \*Rochelle, \*Springer, \*Wallace, \*Womack, \*Wright.

**Senate Joint Resolution No. 143** -- Memorials, Retirement -- Pat File. by \*Rice.

**Senate Joint Resolution No. 144** -- Memorials, Congratulations -  
- Lakeshore Heartland Retirement Community, Tenth Anniversary. by  
\*Haynes.

**Senate Joint Resolution No. 145** -- Memorials, Personal Occasion  
-- Mr. and Mrs. James H. Cundiff, 50th wedding anniversary. by  
\*Haynes.

**Senate Joint Resolution No. 146** -- Memorials, Retirement --  
James A. Stone. by \*McNally.

**ENGROSSED BILLS**  
**April 4, 1995**

The following bills have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 75, 853, 934, 938, 1030, 1217, 1340, 1351, 1454, 1465, 1472, 1544, 1790, 1846, 1855, 1857, 1858, 1859 and 1863; also, House Joint Resolution(s) No(s). 78, 91, 114, 200 and 201.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**REPORT OF CHIEF ENGROSSING CLERK**  
**April 4, 1995**

The following bill(s) was/were transmitted to the Governor for his action: House Bill(s) No(s). 1845, 1849, 1850; also, House Joint Resolution(s) No(s). 39, 120, 168, 170, 175, 176, 177 and 178.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE GOVERNOR**  
**April 4, 1995**

MR. SPEAKER: I am directed by the Governor to return herewith: House Joint Resolution(s) No(s). 66, 174 and 179, with his approval.

HARDY MAYS, Counsel to the Governor.

**MESSAGE FROM THE SENATE**  
**April 4, 1995**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 32; for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**SIGNED**  
**April 4, 1995**

The Speaker signed the following: Senate Bill(s) No(s). 596, 791 and 923.

**ENROLLED BILLS**  
**April 4, 1995**

The following bills have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Bill(s) No(s). 584;

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House Joint Resolution(s) No(s). 42, 56, 88, 181, 182, 183 and 184;  
also, House Resolution(s) No(s). 40 and 41.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**SIGNED**

**April 4, 1995**

The Speaker signed the following: House Bill(s) No(s). 584;  
House Joint Resolution(s) No(s). 42, 56, 88, 181, 182, 183 and 184;  
also, House Resolution(s) No(s). 40 and 41.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**ENGROSSED BILLS**

**April 4, 1995**

The following bill(s) have been examined, engrossed, and are  
ready for transmission to the Senate: House Joint Resolution(s) No(s).  
193.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE**

**April 5, 1995**

MR. SPEAKER: I am directed to return to the House, House Bill(s)  
No(s). 782; substituted for Senate Bill(s) on the same subject(s),  
amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**INTRODUCTION OF RESOLUTIONS**

On motion, pursuant to **Rule No. 17**, the resolution(s) listed  
was/were introduced and referred to the appropriate Committee:

**\*House Joint Resolution No. 202** -- Highway Signs -- "Steven  
Wade Barton Memorial Station," certain weigh/inspection station, 181,  
Greene County. by \*Givens.

State and Local Government Committee

**\*House Joint Resolution No. 204** -- Memorials, Government  
Officials -- Urges governor to appoint Tennessee Council on LongTerm  
Care. by \*Chumney.

Health and Human Resources Committee

**House Joint Resolution No. 206** -- Naming and Designating --  
Designates Sixth Annual City of Cookeville Cookoff as KCBS State of  
Tennessee Barbeque Championship. by \*Hargrove.

State and Local Government Committee

**RESOLUTIONS**

Pursuant to **Rule No. 17**, the following resolution(s) was/were  
introduced and placed on the Consent Calendar for April 6, 1995:

**\*House Resolution No. 42** -- Memorials, Retirement -- Nancy Gettelfinger. by \*Boyer, \*Dunn.

**\*House Resolution No. 43** -- Memorials, Personal Occasion -- Henry Allen McClaron and Georgia Coleman McClaron, 50th wedding anniversary. by \*Pruitt, \*West, \*Halteman Harwell, \*Jones, S., \*Purcell, \*Langster, \*Odom, \*Garrett, \*Arriola, \*Robinson.

**\*House Joint Resolution No. 207** -- Memorials, Personal Achievement -- Jeffrey Mixon, 4-H Horse Show winner and perfect attendance achievement. by \*Roach, \*Dunn.

**\*House Joint Resolution No. 208** -- Memorials, Retirement -- Chief Norman Mayo, Greenbrier Police Department. by \*Davidson.

**\*House Joint Resolution No. 209** -- Memorials, Recognition and Thanks -- John David Scobey. by \*West, \*Garrett, \*Arriola, \*Jones, S., \*Langster, \*Stamps, \*Halteman Harwell, \*Pruitt, \*Odom, \*Robinson, \*Purcell.

**\*House Joint Resolution No. 211** -- Memorials, Public Service -- J. J. Randolph. by \*Duer, \*Curtiss.

**\*House Joint Resolution No. 212** -- Memorials, Recognition and Thanks -- Roy T. Hall. by \*Duer, \*Curtiss.

**SENATE JOINT RESOLUTIONS  
(Congratulatory and Memorializing)**

Pursuant to Rule No. 17, the resolution(s) listed was/were noted as being placed on the Consent Calendar for April 6, 1995:

**Senate Joint Resolution No. 130** -- Memorials, Sports -- Ronnie McMahan, Vanderbilt University basketball player. by \*Jordan, \*Harper, \*Elsea, \*Crutchfield, \*Cohen, \*Cooper, \*Haynes, \*Henry, \*Wright, \*Person, \*Miller J, \*Rice, \*Springer, \*Carter, \*Fowler, \*McNally, \*Holcomb, \*Rochelle, \*Atchley, \*Kyle, \*Womack, \*Dixon, \*Crowe, \*Wallace, \*O'Brien.

**Senate Joint Resolution No. 139** -- Memorials, Professional Achievement -- "Teachers of the Year," Rutherford County. by \*Womack.

**Senate Joint Resolution No. 140** -- Memorials, Personal Achievement -- Tracy Williams, 1994 Miss Black Tennessee. by \*Dixon, \*Harper, \*Ford J, \*Kyle.

**Senate Joint Resolution No. 141** -- Memorials, Retirement -- L. Hadley Williams, Jr. by \*Wilder, \*Atchley, \*Burks, \*Carter, \*Cohen, \*Cooper, \*Crowe, \*Crutchfield, \*Dixon, \*Elsea, \*Ford J, \*Fowler, \*Gilbert, \*Hamilton, \*Harper, \*Haun, \*Haynes, \*Henry, \*Holcomb, \*Jordan, \*Koella, \*Kyle, \*Leatherwood, \*McNally, \*Miller J, \*O'Brien, \*Person, \*Rice, \*Rochelle, \*Springer, \*Wallace, \*Womack, \*Wright.

**Senate Joint Resolution No. 143** -- Memorials, Retirement -- Pat File. by \*Rice.

**Senate Joint Resolution No. 144** -- Memorials, Congratulations -  
- Lakeshore Heartland Retirement Community, Tenth Anniversary. by  
\*Haynes.

**Senate Joint Resolution No. 145** -- Memorials, Personal Occasion  
-- Mr. and Mrs. James H. Cundiff, 50th wedding anniversary. by  
\*Haynes.

**Senate Joint Resolution No. 146** -- Memorials, Retirement --  
James A. Stone. by \*McNally.

#### RESOLUTIONS LYING OVER

On motion, the resolutions(s) listed was/were referred to the  
appropriate Committee:

**\*Senate Joint Resolution No. 104** -- Memorials, Congress --  
Urges Congress to stop passing laws to withhold federal funds unless  
states enact specific laws to implement federal mandates. by \*Cohen,  
\*Henry, \*Springer.

State and Local Government Committee

**\*Senate Joint Resolution No. 19** -- General Assembly, Statement  
of Intent or Position -- Opposes issuance of federal mandates which  
are beyond scope of Tenth Amendment of U.S. Constitution. by  
\*Wright, \*Leatherwood, \*Henry, \*Kyle.

Judiciary Committee

#### INTRODUCTION OF BILLS

On motion, the following bills were introduced and passed first  
consideration:

**\*House Bill No. 1869** -- Shelby County -- Subject to local  
approval, revises hotel motel tax act. Amends Chapter 131, Private  
Acts of 1969, as amended. by \*Miller L, \*Kent, \*Byrd.

**\*House Bill No. 1870** -- Roane County -- Subject to local  
approval, creates Part II of General Sessions Court. Amends Chapter  
77 of the Private Acts of 1959, as amended. by \*Cantrell.

**\*House Bill No. 1871** -- Kingsport -- Subject to local approval,  
amends charter relative to passage of ordinances, duties of city  
attorney, and public works contracts. Amends Chapter 76 of the  
Private Acts of 1917, as amended. by \*Westmoreland, \*Venable,  
\*Ramsey.

#### SENATE BILLS TRANSMITTED

On motion, the Senate Bills listed below, transmitted to the  
House, were held on the Clerk's desk pending third consideration of  
the companion House Bill:

**\*Senate Bill No. 1340** -- Education -- Repeals parental  
notification; revives and reenacts parental consent to perform  
abortion on minor. Amends TCA 37-10-303; 39-15-202. by \*Burks,  
\*Fowler, \*Rice, \*Miller J, \*Leatherwood, \*Holcomb, \*Henry, \*Person.

HOUSE BILLS ON SECOND CONSIDERATION

On motion, bills listed below passed second consideration and were referred by the Speaker to Committee or held on the Clerk's desk as noted:

**House Bill No. 1868** -- Gallatin -- Local Bill Held on House Desk

Pursuant to **Rule No. 47**, the following Caption Bill(s) held on the Clerk's desk were referred to the following Committee(s):

**House Bill No. 1054** -- Mental Health and Mental Retardation, Dept. of -- House Health and Human Resources Committee

**House Bill No. 1248** -- Hospital and Health Care Facilities -- House Health and Human Resources Committee

**House Bill No. 1387** -- Taxes, Privilege -- House Commerce Committee

**House Bill No. 1729** -- Abortion --- House Health and Human Resources Committee

**\*House Bill No. 1793** -- Unemployment Compensation -- House Consumer and Employee Affairs Committee

**\*House Bill No. 1798** -- Unclaimed Property -- House Health and Human Resources Committee

**\*House Bill No. 1800** -- Boards and Commissions -- House Commerce Committee

**\*House Bill No. 1801** -- Economic and Community Development -- House Commerce Committee

**\*House Bill No. 1802** -- Workers' Compensation -- House Consumer and Employee Affairs Committee

**\*House Bill No. 1803** -- Workers' Compensation -- House Consumer and Employee Affairs Committee

**\*House Bill No. 1804** -- Motor Vehicles, Titling and Registration -- House Conservation and Environment Committee

**\*House Bill No. 1807** -- Tennessee Housing Development Agency - - House State and Local Government Committee

**\*House Bill No. 1808** -- Financial Institutions -- House Commerce Committee

**\*House Bill No. 1824** -- Penal and Reformatory Institution -- House State and Local Government Committee

REPORTS FROM STANDING COMMITTEES

The committees that met on **April 4, 1995**, reported the following:

**COMMITTEE ON CALENDAR AND RULES**

The Calendar and Rules Committee met and set the following bill(s) on the **Regular Calendar** for **April 6, 1995**: House Bill(s) No(s). 778, 775, 1390, 328, 925, 1158, 747, 1005, 1339, 1224, 483, 1539 and 1231.

The Committee set the following bill(s) and/or resolution(s) on the **Consent Calendar** for **April 10, 1995**: House Bill(s) No(s). 776, 302, 155, 351, 1342 and 1747; House Joint Resolution(s) No(s). 143.

**AGRICULTURE**

The Agriculture Committee recommended for passage: House Bill(s) No(s). 1064 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

**COMMERCE**

The Commerce Committee recommends for passage: House Bill(s) No(s). 863. Under the rules, each was transmitted to the Calendar and Rules Committee.

**CONSUMER AND EMPLOYEE AFFAIRS**

The Consumer and Employee Affairs Committee recommended for passage: House Bill(s) No(s). 1792. Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 1791. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

**EDUCATION**

The Education Committee recommended for passage: House Bill(s) No(s). 68, 1002, 1205 and 1007; House Joint Resolution(s) No(s). 80; also House Bill(s) No(s). 1355, 1198, 585 and 1216 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Joint Resolution(s) No(s). 90; also House Bill(s) No(s). 1637 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

**FINANCE, WAYS AND MEANS**

The Finance, Ways and Means Committee recommended for passage: House Bill(s) No(s). 764, 679 and 1545; also House Bill(s) No(s). 886 and 106 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

**GOVERNMENT OPERATIONS**

The Government Operations Committee recommended for passage: House Bill(s) No(s). 466 and 419; also House Bill(s) No(s). 467 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.



### HEALTH AND HUMAN RESOURCES

The Health and Human Resources Committee recommended for passage: House Bill(s) No(s). 1455; Senate Joint Resolution(s) No(s). 97; also House Bill(s) No(s). 1494 and 50 with amendments and House Joint Resolution(s) No(s). 89. Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 830 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

### STATE AND LOCAL GOVERNMENT

The State and Local Government Committee recommended for passage: House Bill(s) No(s). 12, 390, 480, 1794, 1128, 1713, 1011 and 1012; also House Bill(s) No(s). 1782, 359 and 1479 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

### REPORTS FROM STANDING COMMITTEES

The committees that met on **April 5, 1995** reported the following:

#### COMMITTEE ON CALENDAR AND RULES

The Calendar and Rules Committee met and set the following bill(s) on the **Regular Calendar for April 10, 1995**: House Bill(s) No(s). 1686, 1658, 1660, 655, 651, 1708, 1691, 558, 1324, 1291, 1264, 1141, 20 and 718.

The Committee set the following bill(s) and/or resolution(s) on the **Consent Calendar for April 10, 1995**: House Bill(s) No(s). 1469, 831, 1092 and 1651.

### CONSERVATION AND ENVIRONMENT

The Conservation and Environment Committee recommended for passage: House Bill(s) No(s). 1094 and 955; House Joint Resolution(s) No(s). 163, 164 and 165; also House Bill(s) No(s). 554, 835, and 1306 and House Joint Resolution(s) No(s). 62 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 802; also House Bill(s) No(s). 1615 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

### JUDICIARY

The Judiciary Committee recommended for passage: House Bill(s) No(s). 131, 503, 187 and 656; also House Bill(s) No(s). 505, 735, 1383, 550, 1434 and 1749 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 499; also

House Bill(s) No(s). 267 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

#### TRANSPORTATION

The Transportation Committee recommended for passage: House Bill(s) No(s). 95, 1148, 1047 and 1125; House Joint Resolution(s) No(s). 166; also House Bill(s) No(s). 1247, 97, 53 and 1057 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 1659 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

#### CONSENT CALENDAR

**House Joint Resolution No. 203** -- Memorials, Retirement -- Don Daugherty, Sr. by \*Windle.

**House Joint Resolution No. 205** -- Memorials, Sports -- Coach Ray Hampton, Waverly High School football team. by \*Williams (Williamson).

**Senate Joint Resolution No. 101** -- Memorials, Sports -- Coach Pat Head Summitt, 1995 Southeastern Conference Coach of the Year. by \*Cohen, \*Atchley, \*Burks, \*Carter, \*Cooper, \*Crowe, \*Crutchfield, \*Dixon, \*Elsea, \*Ford J, \*Fowler, \*Gilbert, \*Hamilton, \*Harper, \*Haun, \*Haynes, \*Henry, \*Holcomb, \*Jordan, \*Koella, \*Kyle, \*Leatherwood, \*McNally, \*Miller J, \*O'Brien, \*Person, \*Rice, \*Rochelle, \*Springer, \*Wallace, \*Wilder, \*Womack, \*Wright.

**Senate Joint Resolution No. 102** -- Sports -- Nikki McCray, 1995 SEC Player of the Year in Women's Basketball. by \*Cohen, \*Atchley, \*Burks, \*Carter, \*Cooper, \*Crowe, \*Crutchfield, \*Dixon, \*Elsea, \*Ford J, \*Fowler, \*Gilbert, \*Hamilton, \*Harper, \*Haun, \*Haynes, \*Henry, \*Holcomb, \*Jordan, \*Koella, \*Kyle, \*Leatherwood, \*McNally, \*Miller J, \*O'Brien, \*Person, \*Rice, \*Rochelle, \*Springer, \*Wallace, \*Wilder, \*Womack, \*Wright.

Rep. McAfee moved that all members voting aye on **Senate Joint Resolution(s) No(s). 101 and 102** be added as sponsors, which motion prevailed.

#### OBJECTION -- CONSENT CALENDAR

Objection(s) was/were filed to the following on the Consent Calendar:

**House Joint Resolution No. 205:** by Rep. Williams(Williamson).

Under the rules, House Joint Resolution No. 205 was/were placed at the foot of the Calendar for Thursday, April 6, 1995 .

Pursuant to **Rule No. 50**, Rep. Phillips moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed

and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes ..... 99  
Noes ..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 99.

A motion to reconsider was tabled.

#### REGULAR CALENDAR

**House Bill No. 1829** -- Henderson -- Subject to local approval, authorizes hotel/motel tax. by \*Walley (SB1817 by \*Wilder).

Further consideration of House Bill No. 1829, previously considered on March 6, 1995, and March 8, 1995, and reset for today's Calendar.

Rep. Walley moved that House Bill No. 1829 be reset to the Calendar for Wednesday, April 19, 1995, which motion prevailed.

**Senate Bill No. 1404** -- University of Tennessee -- Adds UT Board of Trustees institution faculty member to board of trustees for three year term; rotates representation through system. Amends TCA Title 49, Chapter 9, Part 2. by \*Gilbert, \*Hamilton, \*Wallace, \*Crowe, \*Crutchfield, \*Rochelle, \*Womack, \*Springer, \*Holcomb, \*Rice, \*Person, \*Miller J, \*Cohen (HBS99 by \*Herron, \*Pinion).

Further consideration of Senate Bill No. 1404, previously considered on March 29, 1995, at which time the House Bill was substituted for the Senate Bill; the House was on the motion to adopt Amendment No. 2, and then Senate Bill No. 1404 was reset to today's Calendar.

Rep. Herron moved that Senate Bill No. 1404 be passed on third and final consideration.

Rep. Herron moved adoption of Amendment No. 2 as follows:

**Amendment No. 2**

AMEND Senate Bill No. 1404 by deleting from amendatory subdivision (a)(8) of Section 1, as amended, the words " current faculty senate president" and substituting the words " the faculty senate president who served during the academic year preceding service as trustee" .

On motion, Amendment No. 2 was adopted.

Rep. Herron moved that **Senate Bill No. 1404**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	98
Noes .....	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Wingham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

**\*House Bill No. 89** -- Election Laws -- Enacts "Campaign Contribution Limits Act of 1995." Amends TCA Title 2, Chapter 10; Title 3, Chapter 6. Amends TCA. by \*Kisber, \*Byrd, \*Rinks, \*Hargrove, \*Naifeh, \*DeBerry L, \*Ridgeway, \*Cole (Dyer), \*Lewis, \*Pinion, \*West, \*Turner (Ham), \*Bell, \*White, \*McDonald, \*Fitzhugh, \*Purcell, \*Brown, \*Herron, \*McMillan, \*Chumney, \*Haley, \*Tindell, \*Ford S, \*Cantrell, \*Bittle, \*Sharp, \*Stamps, \*Halteman Harwell, \*McDaniel, \*Patton, \*Ramsey, \*Burchett, \*Whitson, \*Jones, S. (SB79 by \*Cooper, \*Gilbert, \*Cohen, \*Springer, \*O'Brien, \*Kyle, \*Haynes).

Rep. Kisber moved that House Bill No. 89 be passed on third and final consideration.

Rep. Jones R (Shelby) moved adoption of State and Local Government Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 89 by deleting Section 10 in its entirety and by substituting instead the following language:

Section 10. If any provision of this act or the application thereof to any person or circumstance is held

invalid, then all provisions and applications of this act are declared to be invalid and void.

Rep. Ritchie moved that Amendment No. 1 be tabled, which motion prevailed by the following vote:

Ayes .....	55
Noes .....	42

Representatives voting aye were: Armstrong, Bell, Bragg, Brown, Buck, Byrd, Callicott, Chumney, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, DeBerry, L., Eckles, Fitzhugh, Fowlkes, Garrett, Givens, Halteman Harwell, Hargrove, Hassell, Head, Herron, Jackson, Jones, S., Kernell, Kisber, Langster, Lewis, McDonald, McMillan, Napier, Odom, Phelan, Phillips, Pinion, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Stamps, Stulce, Tindell, Turner (Hamilton), West, White, Williams (Williamson), Windle, Winingham, Mr. Speaker Naifeh -- 55.

Representatives voting no were: Arriola, Beavers, Bird, Bittle, Bowers, Boyer, Brooks, Burchett, Cantrell, Clabough, Coffey, Davis, Duer, Dunn, Ford, Gunnels, Haley, Hicks, Huskey, Jones, R. (Shelby), Jones, U. (Shelby), Joyce, Kent, Kerr, McAfee, McDaniel, McKee, Miller, Newton, Patton, Peach, Ramsey, Sharp, Shirley, Towns, Turner (Shelby), Venable, Walley, Westmoreland, Whitson, Williams (Union), Wood -- 42.

#### REQUEST TO CHANGE VOTE

Pursuant to Rule No. 31, the following member(s) desire to change their original stand from no to aye on the tabling motion to Amendment No. 1 on House Bill No. 89 and have this statement entered in the Journal: Rep(s). Beavers and Joyce.

#### REGULAR CALENDAR, CONTINUED

Rep. Venable moved that Amendment No. 2 be withdrawn, which motion prevailed.

Rep. Arriola moved adoption of Amendment No. 3, which was then immediately withdrawn.

Rep. Rhinshart moved the previous question, which motion he then immediately withdrew.

Rep. McDaniel moved the previous question, which motion prevailed by the following vote:

Ayes .....	85
Noes .....	9
Present and not voting .....	2

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Boyer, Bragg, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, S., Joyce, Kent, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald,

McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Stamps, Stulce, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 85.

Representatives voting no were: Brooks, Brown, Coffey, Garrett, Jones, U. (Shelby), Kerr, Peach, Shirley, Towns -- 9.

Representatives present and not voting were: Bowers, Kernell -- 2.

Rep. Kisber moved that **House Bill No. 89**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	93
Noes .....	2
Present and not voting .....	3

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Joyce, Kent, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 93.

Representatives voting no were: Kerr, Towns -- 2.

Representatives present and not voting were: Bowers, Jones, U (Shelby), Peach -- 3.

A motion to reconsider was tabled.

**\*House Bill No. 90** -- Lobbying, Lobbyists -- Enacts "Lobbying Reform Act of 1995." Amends TCA Title 3, Chapter 6. by \*Kisber, \*Byrd, \*Rinks, \*Hargrove, \*Naifeh, \*DeBerry L, \*Ridgeway, \*Cole (Dyer), \*Lewis, \*Pinion, \*West, \*Turner (Ham), \*Bell, \*McDonald, \*White, \*Fitzhugh, \*Purcell, \*Brown, \*Herron, \*McMillan, \*Chumney, \*Haley, \*Ford S, \*Cantrell, \*Bittle, \*Stamps, \*Halteman Harwell, \*Williams (Union), \*McDaniel, \*Ramsey, \*Whitson, \*Beavers, \*Burchett, \*Jones, S., \*Tindell (SB80 by \*Cooper, \*Cohen, \*Springer, \*O'Brien, \*Kyle, \*Haynes).

Rep. Kisber moved that House Bill No. 90 be passed on third and final consideration.

Rep. Jones R (Shelby) moved adoption of State and Local Government Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 90 by deleting all of the language after the enacting clause and by substituting instead the following:

SECTION 1. This act shall be referred to as the "Lobbying Reform Act of 1995."

SECTION 2. Tennessee Code Annotated, Section 3-6-102(8), is amended by deleting from the first sentence of the subsection the phrase "any of which are valued at fifty dollars (\$50.00) or more," and by deleting the last sentence of the subsection.

SECTION 3. Tennessee Code Annotated, Title 3, Chapter 6, Part 1, is amended by adding the following as a new section to be appropriately designated:

SECTION \_\_\_\_.

(a)(1) No lobbyist, employer of a lobbyist, or person registered pursuant to §3-6-113 may provide a gift, directly or indirectly, to a candidate for public office, official in the legislative branch, official in the executive branch, or immediate family of such candidate or official.

(2) No candidate for public office, official in the legislative branch, official in the executive branch, or immediate family of such candidate or official may accept a gift, directly or indirectly, from a lobbyist or an employer of a lobbyist, or person registered pursuant to §3-6-113.

(b) The following are not subject to the prohibition in subsection (a):

(1) Benefits resulting from business, employment, or other outside activities of a candidate, official or their immediate family, if such benefits are customarily provided to others in similar circumstances and are not enhanced due to the status of the candidate or official;

(2) Informational materials in the form of books, articles, periodicals, other written materials, audiotapes, videotapes, or other forms of communication;

(3) A gift given by an individual if the gift is given for a nonbusiness purpose and is motivated by a close personal friendship and not by the position of the candidate or official.

(A) A gift shall not be considered to be given for a nonbusiness purpose if the individual giving the gift seeks:

(i) to deduct the value of such gift as a business expense on the individual's federal income tax return; or

(ii) direct or indirect reimbursement or any other compensation for the value of the gift from a client or employer.

(B) In determining if the giving of a gift is motivated by a close personal friendship, at least the following factors shall be considered:

(i) The history of the relationship between the individual giving the gift and the recipient of the gift, including whether or not gifts have previously been exchanged by such individuals;

(ii) Whether the gift was purchased by the individual who gave the item; and

(iii) Whether the individual who gave the gift also gave the same or similar gifts to other candidates, officials, or their immediate family at the same time;

(4) Sample merchandise, promotional items, and appreciation tokens, if they are routinely given to customers, suppliers or potential customers or suppliers in the ordinary course of business;

(5) Unsolicited tokens or awards of appreciation, honorary degrees, or bona fide awards in recognition of public service in the form of a plaque, trophy, desk item, wall memento and similar items, provided that any such item shall not be in a form which can be readily converted to cash;

(6) Food, refreshments, meals, foodstuffs or beverages:

(A) If the value of the gift is less than or equal to twenty-five dollars (\$25.00). This includes, but is not limited to, food, refreshments, meals, foodstuffs or beverages given in connection with a social or fundraising event, conference or professional meeting, at a restaurant or club or as part of personal hospitality at the residence or place of business of the host. The value of a gift made pursuant to this subdivision (A) may not be reduced below the monetary limit by dividing the cost of the gift among two (2) or more lobbyists or employers of lobbyists. No lobbyist or an employer of a lobbyist may provide gifts to any person



pursuant to this subdivision (A) that have  
a cumulative value of more than five hundred dollars  
(\$500) during a calendar year; or

(B) Provided in connection with an event  
to which invitations are extended to the entire  
membership of the general assembly; or

(C) Provided in connection with an event  
in which a candidate, official, or an  
immediate family member is a speaker,  
panel member, or other program participant, provided  
that such benefits are no greater in value than those  
provided to all other participants in the  
program.

(7) Opportunities and benefits made available to  
all members of an appropriate class of the general  
public, including but not limited to:

(A) Discounts afforded to the general  
public or specified groups or occupations  
under normal business conditions  
except that such discounts may not be based on  
the status of the candidate or official;

(B) Prizes and awards given in public  
contests; and

(C) Benefits of participation in events  
held within the state and sponsored by, or for  
the benefit of, charitable organizations as  
defined in Section 48-3-501(1); provided that  
such events must be open to participation by persons  
other than candidates, officials or their  
immediate family and any benefits received  
must not be enhanced due to the status of  
the candidate or official, or provided that invitations are  
extended to the entire membership of the  
general assembly;

(8) Tickets to athletic events involving teams  
representing in-state schools, colleges and  
universities or to other events sponsored by such  
institutions, if offered by the involved institution;

(9) Benefits of attendance at political events  
or fund-raisers sponsored by candidates for public  
office or other political organizations.

(c) A gift made contrary to this section shall  
not be a violation of the section if the candidate,  
official or their immediate family member  
does not use the gift and returns it to the donor

within ten (10) days of receipt or pays consideration of equal  
or greater value with ten (10) days of receipt.

SECTION 4. Tennessee Code Annotated, Section 3-6-  
102(15)(A), is amended by deleting the phrase "who takes  
any administrative action" and by adding after the word

" means" the words " the governor, any member of the governor's staff" and by deleting the words " state agency" and substituting instead the words " executive department or agency" .

SECTION 5. Tennessee Code Annotated, Section 3-6-106(b), is amended by deleting subdivision (2) in its entirety and substituting the following:  
An itemized list by date, beneficiary, amount, and circumstance of the transaction of each political contribution of more than one hundred dollars (\$100) made by the registrant or anyone acting at the specific direction of the registrant to benefit a candidate for public office, an official in the legislative branch, or an official in the executive branch.

SECTION 6. Tennessee Code Annotated, Section 3-6-106(b), is amended by deleting subdivision (4) in its entirety and substituting instead the following:

An itemized list by date, beneficiary, amount and circumstance of any gift subject to Section 3(b) (6) (A) of this act.

SECTION 7. Tennessee Code Annotated, Section 3-6-106(b), is amended by deleting subdivisions (3), (5) and (6) in their entirety and redesignating the remaining subdivisions accordingly.

SECTION 8. Tennessee Code Annotated, Section 3-6-108, is amended by adding the following new subdivision to be appropriately designated:

( ) No lobbyist or person registered pursuant to §3-6-113 shall serve as a member of a state board or commission, if the lobbyist's employer is regulated by such board or commission.

SECTION 9. Tennessee Code Annotated, Section 3-6-110(b) (2), is amended by adding at the end of the first sentence the following:

, except that the registry shall only be empowered to assess a civil penalty up to two hundred percent (200%) of the value of any gift made in violation of Section 3. For any second or subsequent violation of Section 3 by the same person, the registry shall be empowered in the alternative to impose any other penalty contained subsections (b) (2) and (b) (3).

SECTION 10. Tennessee Code Annotated, Section 3-6-110(c), is amended by adding at the end of the first sentence the words " or to have violated the provisions of Section 3 two (2) or more times" .

SECTION 11. Tennessee Code Annotated, Section 3-6-102, is amended by adding the following appropriately numbered new subsection:

( ) "Employer of a lobbyist" means any person or entity that employs or retains another person to lobby. If a corporation, labor organization, or membership organization employs or retains a person to lobby, the employees, officers, directors, or members of such entity shall not be deemed to be an employer of such lobbyist.

SECTION 12. Tennessee Code Annotated, Section 3-6-102(16), is amended by adding at the end of the subsection the following language:

"Official in the legislative branch" also includes the secretary of state, treasurer, comptroller of the treasury, and any employee of such offices.

SECTION 13. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 14. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Jones U (Shelby) moved adoption of Amendment No. 2 as follows:

**Amendment No. 2**

AMEND House Bill No. 90 by deleting from Section 3(b)(6) (A) the following:

"If the value of the gift is less than or equal to twenty-five dollars (\$25.00).

Rep. Rhinehart requested that House Bill No. 90 be moved down three places on the Calendar, which motion prevailed.

**\*House Bill No. 1491 -- Trade Regulation --** Directs owner of rental property to mark and identify such property. Amends TCA Title 39, Chapter 14. by \*Joyce (SB1647 by \*Person).

Rep. Joyce moved that House Bill No. 1491 be passed on third and final consideration.

Rep. Kisber moved adoption of Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 1491 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section \_\_\_\_\_. The provisions of this act shall not apply to motor vehicles as defined in Tennessee Code Annotated, Title 55.

Rep. Joyce moved that House Bill No. 1491 be reset to the Calendar for Monday, April 10, 1995, which motion prevailed.

**\*House Bill No. 137** -- Minors, Gifts to -- Permits custodianship of minor's property to terminate after minor attains age of 21 if specifically provided for in gift instrument. Transfer may take place anytime before the age of 25. Amends TCA Title 35, Chapter 7, Part 2. by \*Cole (Dyer) (SB582 by \*Hamilton).

Rep. Cole (Dyer) moved that House Bill No. 137 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 137 by deleting Section 1 of the printed bill in its entirety and by substituting instead the following:

Tennessee Code Annotated, Section 35-7-221(1) is amended by deleting the semi-colon ";" and by substituting instead the following:

provided, however, that this transfer can be withheld until the minor's attainment of up to twenty-five (25) years of age if the instrument so provides and further expressly states that deferring termination of custodianship beyond the minor's attainment of twenty-one (21) years of age will cause the transfer to be a gift of a future interest which may have adverse federal and state gift tax consequences;

On motion, Amendment No. 1 was adopted.

Rep. Cole (Dyer) moved that **House Bill No. 137**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 98  
Noes ..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Haltzman, Harwell, Hargrove, Hassell, Head, Herron,

Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

**House Bill No. 1354** -- Juvenile Offenders -- Allows juvenile court to require juvenile offenders to attend alternative school. Amends TCA Title 37, Chapter 1 and Title 49, Chapter 6. by \*Phelan, \*Cole (Dyer), \*Rinks, \*McKee, \*Westmoreland, \*White, \*Fitzhugh, \*Pinion, \*Roach (\*SB1571 by \*Cooper).

Further consideration of House Bill No. 1354, previously considered on March 29, 1995, March 30, 1995, and reset for today's Calendar.

Rep. Phelan moved that **House Bill No. 1354** be re-referred to the Calendar and Rules Committee, which motion prevailed.

**\*House Bill No. 90** -- Lobbying, Lobbyists -- Enacts "Lobbying Reform Act of 1995." Amends TCA Title 3, Chapter 6. by \*Kisber, \*Byrd, \*Rinks, \*Hargrove, \*Naifeh, \*DeBerry L, \*Ridgeway, \*Cole (Dyer), \*Lewis, \*Pinion, \*West, \*Turner (Ham), \*Bell, \*McDonald, \*White, \*Fitzhugh, \*Purcell, \*Brown, \*Herron, \*McMillan, \*Chumney, \*Haley, \*Ford S, \*Cantrell, \*Bittle, \*Stamps, \*Halteman Harwell, \*Williams(Union), \*McDaniel, \*Ramsey, \*Whitson, \*Beavers, \*Burchett, \*Jones, S., \*Tindell (SB80 by \*Cooper, \*Cohen, \*Springer, \*O'Brien, \*Kyle, \*Haynes).

Further consideration of House Bill No. 90, previously considered on today's Calendar.

Speaker Naifeh requested that House Bill No. 90 be moved to the heel of the Calendar.

**House Bill No. 1854** -- Harriman -- Subject to local approval, authorizes hotel/motel tax. by \*Cantrell (SB1843 by \*O'Brien).

Further consideration of House Bill No. 1854, previously considered on April 3, 1995, at which time it was objected to on the Consent Calendar and reset for today's Calendar.

Rep. Cantrell moved that House Bill No. 1854 be reset to the Calendar for Wednesday, April 19, 1995, which motion prevailed.

**House Bill No. 1336** -- Environment and Conservation, Department of -- Increases number of members on air control board from 11 to 12; increases number of citizen members on water quality control board from five to six. Amends TCA 68-201-104, 69-

3-104. by \*Odom, \*Cross, \*Callicott, \*Williams (Williamson), \*Jones, S., \*Kernell (\*SB207 by \*Crutchfield, \*Leatherwood, \*Wallace, \*McNally, \*Henry).

Further consideration of House Bill No. 1336, previously considered on April 3, 1995, and reset for today's Calendar.

Rep. Odom moved that House Bill No. 1336 be reset to the Calendar for April 19, 1995, which motion prevailed.

**House Bill No. 1496** -- Education, Higher -- Expands number of minority teaching fellowships from 76 to 116; repeals community college minority teaching scholarship program, except for current scholarship holders. Amends TCA 49-4-706. Repeals TCA 49-4-707. by \*Jones U (Shelby), \*Armstrong, \*Miller L, \*DeBerry L, \*Jones R (Shelby), \*Brooks (\*SB1577 by \*Leatherwood).

Rep. Jones U (Shelby) moved that House Bill No. 1496 be passed on third and final consideration.

Rep. Davidson moved adoption of Education Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 1496 by deleting the words and figures "one hundred sixteen (116)" in Section 1 of the printed bill and by substituting the words and figures "eighty-six (86)".

On motion, Amendment No. 1 was adopted.

Rep. Davidson moved the previous question, which motion prevailed.

Rep. Jones U (Shelby) moved that **House Bill No. 1496**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	92
Noes .....	0
Present and not voting .....	2

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Eckles, Fitzhugh, Ford, Fowlkes, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Phelan, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 92.

Representatives present and not voting were: Dunn, Peach -- 2.

A motion to reconsider was tabled.

**House Bill No. 1495** -- Education, Higher -- Establishes "Tennessee Teaching Scholars Act." Amends TCA Title 49, Chapter 4. by \*Jones U (Shelby), \*Armstrong, \*Miller L, \*DeBerry L, \*Jones R (Shelby), \*Langster, \*Brooks (\*SB1578 by \*Leatherwood).

Rep. Jones U (Shelby) moved that House Bill No. 1495 be passed on third and final consideration.

Rep. Davidson moved adoption of Education Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 1495 in subsection (c) in the amendatory language in Section 1 of the printed bill by adding after the words "state board of education" the words "and the Tennessee higher education commission".

On motion, Amendment No. 1 was adopted.

Rep. Jones U (Shelby) moved that **House Bill No. 1495**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 98  
Noes ..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Riggsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

**\*Senate Bill No. 38** -- Utilities, Utility Districts -- Authorizes commissioners of South Blount County utility board by resolution to increase per diem for not more than 12 meetings to rate not exceeding \$250 per meeting for district having more than 3,000 users and \$100 per meeting for district having 3,000 or fewer users. Amends TCA Title 7, Chapter 82. by \*Koella (HB285 by \*Clabough).

Further consideration of Senate Bill No. 38, previously considered on April 3, 1995, at which time the House Bill was substituted for the Senate Bill and reset for today's Calendar.

Rep. Clabough moved that Senate Bill No. 38 be reset to the Calendar for Wednesday, April 19, 1995, which motion prevailed.

**\*House Bill No. 90 -- Lobbying, Lobbyists -- Enacts "Lobbying Reform Act of 1995."** Amends TCA Title 3, Chapter 6. by \*Kisber, \*Byrd, \*Rinks, \*Hargrove, \*Naifeh, \*DeBerry L, \*Ridgeway, \*Cole (Dyer), \*Lewis, \*Pinion, \*West, \*Turner (Hamilton), \*Bell, \*McDonald, \*White, \*Fitzhugh, \*Purcell, \*Brown, \*Herron, \*McMillan, \*Chumney, \*Haley, \*Ford S, \*Cantrell, \*Bittle, \*Stamps, \*Halteman Harwell, \*Williams (Union), \*McDaniel, \*Ramsey, \*Whitson, \*Beavers, \*Burchett, \*Jones, S., \*Tindell (SB80 by \*Cooper, \*Cohen, \*Springer, \*O'Brien, \*Kyle, \*Haynes).

Further consideration of House Bill No. 90, previously considered on today's Calendar.

Rep. Jones U (Shelby) moved adoption of Amendment No. 2 as follows:

**Amendment No. 2**

AMEND House Bill No. 90 by deleting from Section 3(b)(6) (A) the following:

" If the value of the gift is less than or equal to twenty-five dollars (\$25.00).

Rep. Kisber moved that Amendment No. 2 be tabled, which motion prevailed by the following vote:

Ayes ..... 50  
Noes ..... 42

Representatives voting aye were: Arriola, Bell, Bittle, Bragg, Burchett, Byrd, Callicott, Chumney, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Eckles, Fitzhugh, Ford, Fowlkes, Halteman Harwell, Hargrove, Head, Herron, Hicks, Jackson, Kisber, Lewis, McDaniel, McDonald, McKee, McMillan, Napier, Phelan, Phillips, Pinion, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Stulce, Tindell, Turner (Hamilton), Venable, Walley, West, White, Williams (Williamson), Mr. Speaker Naifeh -- 50.

Representatives voting no were: Armstrong, Beavers, Bird, Bowers, Boyer, Brooks, Brown, Buck, Cantrell, Clabough, Davis, DeBerry, L., Duer, Dunn, Givens, Gunnels, Haley, Hassell, Huskey, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Kent, Kerr, Langster, McAfee, Miller, Odom, Patton, Peach, Pruitt, Ramsey, Sharp, Shirley, Stamps, Towns, Turner (Shelby), Westmoreland, Williams (Union), Windle, Winningham, Wood -- 42.

Rep. Jones U (Shelby) moved adoption of Amendment No. 3 as follows:

**Amendment No. 3**

AMEND House Bill No. 90 by deleting from Section 3(a)(1) and (2) the language " public office" and substituting instead the language " state or local public office" .



Rep. Kisber moved that Amendment No. 3 be tabled, which motion prevailed by the following vote:

Ayes ..... 57  
Noes ..... 39

Representatives voting aye were: Arriola, Bell, Bittle, Bragg, Buck, Burchett, Byrd, Callicott, Cantrell, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Hargrove, Hassell, Head, Hicks, Huskey, Jackson, Kent, Kisber, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Napier, Phelan, Phillips, Pinion, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Stulce, Tindell, Turner (Hamilton), Venable, Walley, West, White, Williams (Williamson), Wood, Mr. Speaker Naifeh - 57.

Representatives voting no were: Armstrong, Beavers, Bird, Bowers, Boyer, Brooks, Brown, Chumney, Clabough, DeBerry, J., DeBerry, L., Givens, Gunnels, Halteman Harwell, Herron, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kernell, Kerr, Langster, Miller, Newton, Odom, Patton, Peach, Pruitt, Ramsey, Sharp, Shirley, Stamps, Towns, Turner (Shelby), Westmoreland, Whitson, Williams (Union), Windle, Winningham -- 39.

Rep. Rhinehart moved adoption of Amendment No. 4 as follows:

**Amendment No. 4**

AMEND House Bill No. 90 by deleting from Section 3(b)(6)(A) the language "twenty-five (\$25.00) and substituting instead the language "fifty dollars (\$50).

Rep. Kisber moved the previous question on Amendment No. 4, which motion prevailed.

Amendment No. 4 failed by the following vote:

Ayes ..... 8  
Noes ..... 88

Representatives voting aye were: Clabough, Curtiss, Kerr, Miller, Patton, Peach, Rhinehart, Stulce -- 8.

Representatives voting no were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Coffey, Cole (Carter), Cole (Dyer), Cross, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Napier, Newton, Odom, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 88.

Rep. Kisber moved that House Bill No. 90, as amended, be passed on third and final consideration.

Rep. Miller moved the previous question on House Bill No. 90, which motion prevailed.

Rep. Kisber moved that **House Bill No. 90**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	96
Noes .....	0
Present and not voting .....	2

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

Representatives present and not voting were: Bowers, Jones, U. (Shelby) -- 2.

A motion to reconsider was tabled.

#### MESSAGE CALENDAR

##### HOUSE ACTION ON SENATE MESSAGE

**\*House Bill No. 173** -- Probate Law -- Allows employee to designate beneficiary to receive any unpaid wages or salary upon employee's death. Amends TCA 30-2-103. by \*Fowlkes (SB254 by \*Jordan).

##### Senate Amendment No. 1

AMEND House Bill No. 173 by deleting from the amendatory language of Section 1(a)(4) the words " and distribute" .

##### Senate Amendment No. 2

AMEND House Bill No. 173 by deleting from the amendatory language of Section 1(a)(2) the words " The employer shall inform" and by substituting instead the words " The employer is encouraged to inform" .

Rep. Fowlkes moved that the House concur in Senate Amendment(s) No(s). 1 and 2 to **House Bill No. 173**, which motion prevailed by the following vote:

Ayes ..... 93  
Noes ..... 2

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Shelby), Venable, Walley, West, Westmoreland, White, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 93.

Representatives voting no were: Burchett, Joyce -- 2.

A motion to reconsider was tabled.

#### HOUSE ACTION ON SENATE MESSAGE

\*House Bill No. 175 -- Highways, Roads and Bridges -- Exempts Hawkins County from standard educational requirements imposed on county highway superintendent. Amends TCA Title 54, Chapter 7. by \*Givens (SB310 by \*Wallace).

Rep. Givens moved that House Bill No. 175 be reset to the Message Calendar for Thursday, April 6, 1995, which motion prevailed.

#### HOUSE ACTION ON SENATE MESSAGE

\*House Bill No. 598 -- Motor Vehicles, Titling and Registration -- Provides special license plates for alumni of University of Georgia. Amends TCA Title 55, Chapter 4. by \*Burchett (SB849 by \*Haun, \*Atchley).

Rep. Burchett moved that House Bill No. 598 be reset to the Message Calendar for Wednesday, April 26, 1995, which motion prevailed.

#### HOUSE ACTION ON SENATE AMENDMENT

House Bill No. 971 -- Public Service Commission -- Permits toll-free countywide telephone calling. Amends TCA Title 65, Chapter 21, Part 1. by \*Duer, \*Curtiss, \*Givens, \*Cantrell, \*Pinion, \*Herron, \*Newton, \*Williams (Union), \*McMillan, \*Head, \*Windle (\*SB1249 by \*O'Brien, \*Miller, \*Wallace).

#### Senate Amendment No. 1

AMEND House Bill No. 971 by deleting Section 2 and substituting instead the following:

SECTION 2. This act shall take effect on July 1, 1995, the public welfare requiring it.

Rep. Duer moved that the House non-concur in Senate Amendment(s) No(s). 1 to **House Bill No. 971**, which motion prevailed.

**HOUSE ACTION ON SENATE AMENDMENT**

**House Bill No. 1113** -- Drugs -- Prohibits sale or distribution of ephedrine hydrochloride to any person under 18; requires maintenance of register of purchasers and monthly transmittal of register to local law enforcement agency and TBI; violation is Class A misdemeanor punishable by fine only. Amends TCA Title 39, Chapter 17, Part 4. by \*Turner (Ham), \*Miller L, \*Patton, \*Stamps, \*McDonald, \*Towns, \*Armstrong, \*McDaniel, \*Burchett, \*Whitson (\*SB1348 by \*Burks).

**Senate Amendment No. 4**

AMEND House Bill No. 1113 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 39, Chapter 17, Part 4, is amended by adding a new section thereto, as follows:

Section 39-17-431. (a) Except as hereinafter provided, any product that contains any quantity of ephedrine, a salt of ephedrine, an optical isomer of ephedrine, or a salt of an optical isomer of ephedrine may be dispensed only upon the prescription of a duly licensed practitioner authorized by the laws of the state to prescribe prescription drugs.

(b) Any product containing ephedrine, as described in subdivision (b)(1-4) below, shall be exempt from subsection (a) if it may lawfully be sold over the counter without a prescription under the federal Food, Drug, and Cosmetic Act; is labeled and marketed in a manner consistent with the pertinent OTC Tentative Final or Final Monograph; and is manufactured and distributed for legitimate medicinal use in a manner that reduces or eliminates the likelihood of abuse:

(1) Solid oral dosage forms (including soft gelatin caplets) that combine active ingredients in the following ranges for each dosage unit:

(i) Theophylline (100 - 130 mg),  
Ephedrine (12.5 - 24 mg);

(ii) Theophylline (60 - 100 mg),  
- 24 mg), Guaifenesin (200 - 400 mg);

(iii) Ephedrine (12.5 - 25 mg),  
Guaifenesin (200 - 400 mg);

- 8 mg) in  
subdivision (1) or (2)
- (iv) Phenobarbital (not greater than combination with ingredients of above.
- (2) Liquid oral dosage forms that combine ingredients in the following ranges
- active  
for each (5 ml) dose:
- (i) Theophylline (not greater than 45 mg),  
mg), Guaifenesin (not Ephedrine (not greater than 36 mg), Phenobarbital (not greater than 12 mg);
- (ii) Phenylephrine (not greater than 5 mg),  
5 mg), chlorpheniramine Ephedrine (not greater than 5 mg), dextromethorphan (not greater than 10 mg), ammonium Cl (not greater than 40 mg),  
than 10 mg), ipecac fluid extract (not greater than 0.005 ml).
- (3) Anorectal preparations containing less than five percent (5%) ephedrine.
- (4) Any liquid compound mixture, or preparation (0.5%) or less of ephedrine. containing one-half percent
- (d) The marketing, advertising, or labeling of any product containing ephedrine, a salt of ephedrine, an optical isomer of ephedrine, or a salt of an optical isomer of ephedrine, for the indication of stimulation, mental alertness, weight loss, appetite control, or energy, is prohibited. In determining compliance with this requirement the following factors may be considered:
- (1) The packaging of the drug product;
- (2) The name and labeling of the product;
- (3) The manner of distribution, advertising, and product; promotion of the
- (4) Verbal representations made concerning the products;
- (5) The duration, scope, and significance of abuse or misuse of the particular product.
- (e) Violation of any provision of this section is a Class A misdemeanor punishable by fine only.

SECTION 2. This act shall take effect July 1, 1995, the public welfare requiring it.

Rep. Turner(Hamilton) moved that the House concur in Senate Amendment(s) No(s). 4 to **House Bill No. 1113**, which motion prevailed by the following vote:

Ayes .....	96
Noes .....	0
Present and not voting .....	1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

Representatives present and not voting were: Rhinehart -- 1.

A motion to reconsider was tabled.

#### UNFINISHED BUSINESS

##### NOTICE TO ACT ON SENATE MESSAGES

Pursuant to the suspension of **Rule No. 59**, notice was given that the following measure(s) from the Senate would be considered on April 6, 1995:

**House Bill No. 782:** by Rep. West.

#### SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

**House Joint Resolution No. 205:** Rep(s). Peach as prime sponsor(s).

**House Bill No. 406:** Rep(s). Whitson, West, Kerr, Bragg, Winningham, Kernell and Bowers, as prime sponsor(s).

**House Bill No. 674:** Rep(s). Winningham as prime sponsor(s).

**House Bill No. 745:** Rep(s). Odom as prime sponsor(s).

**House Bill No. 795:** Rep(s). Bell as prime sponsor(s).

**House Bill No. 835:** Rep(s). Callicott, Bragg and Davidson as prime sponsor(s).

House Bill No. 1025: Rep(s). West and Phillips as prime sponsor(s).

House Bill No. 1167: Rep(s). Beavers as prime sponsor(s).

House Bill No. 1213: Rep(s). Chumney as prime sponsor(s).

House Bill No. 1303: Rep(s). Rhinehart as prime sponsor(s).

House Bill No. 1387: Rep(s). Halteman Harwell as prime sponsor(s).

House Bill No. 1434: Rep(s). Buck as prime sponsor(s).

House Bill No. 1452: Rep(s). Sharp as prime sponsor(s).

House Bill No. 1538: Rep(s). Sharp as prime sponsor(s).

House Bill No. 1585: Rep(s). Walley as prime sponsor(s).

House Bill No. 1624: Rep(s). Bell as prime sponsor(s).

House Bill No. 1686: Rep(s). Haley as prime sponsor(s).

House Bill No. 1824: Rep(s). Rinks as prime sponsor(s).

#### SPONSORS REMOVED

On motion, Rep(s). Halteman Harwell was/were removed as sponsor(s) of House Bill No. 1322.

On motion, Rep(s). Bittle was/were removed as sponsor(s) of House Bill No. 1824.

#### MESSAGE FROM THE GOVERNOR

April 5, 1995

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 606, 1006, 1832, 1833, 1838 and 1841, with his approval.

HARDY MAYS, Counsel to the Governor.

#### MESSAGE FROM THE SENATE

April 5, 1995

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 42, 149, 299, 464, 1023, 1024 and 1739; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

#### MESSAGE FROM THE SENATE

April 5, 1995

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 853; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**  
**April 5, 1995**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 199; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**SIGNED**  
**April 5, 1995**

The Speaker signed the following: Senate Joint Resolution(s) No(s). 32.

**MESSAGE FROM THE SENATE**  
**April 5, 1995**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 193; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**  
**April 5, 1995**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 49, 71, 112, 219, 221, 385, 471, 586, 955, 986, 1190 and 1248; also, Senate Joint Resolution(s) No(s). 13, 110, 126, 129, 133, 134, 135, 136, 137 and 138; all for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**  
**April 5, 1995**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 584; also, House Joint Resolution(s) No(s). 42, 56, 88, 181, 182, 183 and 184; all signed by the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE GOVERNOR**  
**April 5, 1995**

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 161, 279, 592, 1146 and 1194, with his approval.

HARDY MAYS, Counsel to the Governor.

**ENGROSSED BILLS**  
**April 5, 1995**

The following bills have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 89, 90, 137, 1495 and 1496; also, House Joint Resolution(s) No(s). 203.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE**  
**April 5, 1995**

MR. SPEAKER: I am directed to return to the House, Senate Joint Resolution(s) No(s). 156; adopted for concurrence.



CLYDE W. McCULLOUGH, JR., Chief Clerk.

**Senate Joint Resolution No. 156** -- Naming and Designating -- "Victims' Rights Week," April 23-29, 1995. by \*Burks, \*Atchley, \*Carter, \*Cohen, \*Cooper, \*Crowe, \*Crutchfield, \*Dixon, \*Elsea, \*Ford J, \*Fowler, \*Gilbert, \*Hamilton, \*Harper, \*Haun, \*Haynes, \*Henry, \*Holcomb, \*Jordan, \*Koella, \*Kyle, \*Leatherwood, \*McNally, \*Miller J, \*O'Brien, \*Person, \*Rice, \*Rochelle, \*Springer, \*Wallace, \*Wilder, \*Womack, \*Wright.

**MESSAGE FROM THE SENATE**  
**April 5, 1995**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 181, 184, 506, 1212 and 1259; all passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**\*Senate Bill No. 181** -- Sunset Laws -- Board of standards, June 30, 2003. Amends TCA Title 4, Chapter 29; Title 12, Chapter 3. by \*Haynes.

**\*Senate Bill No. 184** -- Sunset Laws -- Interstate corrections compact, June 30, 2003. Amends TCA Title 4, Chapter 29; Title 41, Chapter 23. by \*Haynes.

**Senate Bill No. 506** -- Sunset Laws -- Compact on probation and parole, June 30, 2003. Amends TCA Title 4, Chapter 29, Title 40, Chapter 28. by \*Haynes.

**\*Senate Bill No. 1212** -- Sexual Offenses -- Redefines "prostitution" to include offering to engage in sexual activity as well as actually engaging in sexual activity. Amends TCA Title 39, Chapter 13, Part 5. by \*Harper.

**\*Senate Bill No. 1259** -- Pharmacy -- Extends period for registered pharmacists previously in armed forces to apply for free current pharmacy certificate, from six to eight months after being honorably discharged. Pharmacist must have been registered and in good standing in Tennessee upon entering service. Amends TCA Title 63. by \*Cohen.

**ROLL CALL**

The roll call was taken with the following result:

Present ..... 98

Representatives present were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odum, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley,

WEDNESDAY, APRIL 5, 1995 -- TWENTY-NINTH LEGISLATIVE DAY

Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

RECESS MOTION

On motion of Rep. Purcell, the House recessed until 9:00 a.m., Thursday, April 6, 1995.